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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 001642

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SUBJECT: TURKEY: WIRETAPS AND THE POLITICS OF FEAR

REF: ANKARA 1576

Classified By: Ambassador James Jeffrey, for reasons 1.4 (b,d)

¶1. (C) SUMMARY: Public concern over the use of wiretaps by the government as evidence to detain suspects in the Ergenekon trial is waxing again, as members of Parliament and even former President Suleyman Demirel register their concerns in the press. Although wiretapping is not new to Turkish society, the use of wiretaps against bastions of the state on a wide range IS new and shocking, giving those with best access to the press cause to air their concerns -- unheeded by the government -- to the public. People who previously felt themselves to be immune from such investigative methods complain to us that they no longer talk freely on the phone, even casually, for fear that they may be pulled into the ever-expanding scope of the Ergenekon probe. Moreover, this and other developments such as the tax evasion case against the Dogan Group, increasingly appear to many here as an assault on the pluralistic checks and balances that strengthen Turkey's democracy. END SUMMARY.

¶2. (U) Allegations that the Interior Ministry is misusing its power to tap the communications of Turkish citizens has reached a fever pitch, with former President Demirel declaring in a recent speech before the Antalya Chamber of Commerce and Industry that Turkey has become an "empire of fear." Claiming that the atmosphere of fear in Turkey is worse even than the time of military rule (with which Demirel is familiar, having been sent to prison following the 1980 coup), he decries a society in which citizens have to worry if their conversations are being tapped, and, as a result, free speech and thought have ceased to exist. Hurriyet newspaper reported on November 16 that CHP MP Tacidar Seyhan, who used to sit on Parliament's committee investigating illegal wiretapping, alleges that the telephones of 300 members (more than half) of Parliament, 3,000 judges, and 613 journalists currently are being tapped. Among those believed to be under technical surveillance are some of the judges hearing the Ergenekon trial, prosecutors who have opened cases against members of the ruling Justice and Development Party (AKP), and members of the Court of Appeals.

¶3. (U) Fear that one's phone is being tapped is now prevalent in Turkish society, particularly among academics, lawyers, journalists, and bureaucrats. Many are concerned that their routine activities may have brought their names and phone numbers into tangential contact with someone either currently or potentially tied to the Ergenekon investigation, meriting eavesdropping on their conversations. Because the Ergenekon investigation is being conducted under Turkey's

counterterrorism laws, the investigating authorities have great leeway to detain suspects without formal charge. As increasing numbers of politicians, bureaucrats, and military officials -- most, but not all, well-known to be staunch secularists and proud Kemalists -- have been arrested, their friends and coworkers are beginning to fear they will be next.

¶4. (C) COMMENT: Turkey's secular elite feels under siege. Their fear of detention -- enhanced by the occasionally humiliating procedures, such as daybreak arrests and protracted interrogations -- has an impact on what people are willing to talk about, thereby stifling debate about government policies, the pursuit of freedoms, and the Ergenekon case itself. In a country where the rule of law and the impartiality of the legal system are not firmly embedded, the fear of abuse of power is a real one, not to be minimized or dismissed lightly. Moreover, it is sobering to see the speed with which the Ergenekon trial has spread from investigating suspects hiding caches of illegal arms to investigating those whose anti-AKP phone conversations appear to have branded them as coup conspirators. Although wiretapping is not a new phenomenon in Turkey, the secularist elite believes itself -- and perhaps its system of values -- to be the ultimate target.

¶5. (C) COMMENT (cont.): Still, the secular angst should be taken with a grain of salt. First, so far we have not seen conclusive evidence that the government in any of this -- Dogan, wiretapping, Ergenekon, etc. -- is going beyond the letter of the law. But as noted above, the state's culture and the broad definition of "legal" here do raise concerns.

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Secondly, Demirel's definition of the current political atmosphere as an "empire of fear" seems excessive, particularly when one looks beyond the traditional elites to the full breadth of society. Demirel had the ear of a friendly audience in Antalya (part of the traditional political heartland of the Democrat Party he used to head). His speech also seems to have drawn its main points from the same source that informed Husamettin Cindoruk's remarks at the Democrat Party Congress (REFTEL), another gathering deep in Ergenekon skeptics. The situation for traditional elites like Demirel is, indeed, uncomfortable and scary. But it is not -- yet -- on the scale of the repression of the 1980s.

JEFFREY

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